

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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**UNITED STATES OF AMERICA,**

Plaintiff,

vs.

**FRANCISCO PENA,**

Defendant.

**2:17-CR-20667-TGB-EAS**

HON. TERRENCE G. BERG

**ORDER GRANTING  
DEFENDANT'S REQUEST TO  
SEEK TO OBTAIN PASSPORT  
(ECF NO. 71)**

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Defendant Francisco Pena pleaded guilty to conspiracy to distribute cocaine. *See* Judgment, ECF No. 70, PageID.347. On September 10, 2021, Pena was sentenced to time-served to be followed by two years of supervised release. *Id.* at PageID.348-49. Defendant Pena is on supervision in the Southern District of Texas. *Id.* at PageID.349.

Through counsel, Defendant Pena requests that the government be ordered to return his passport. He says that his passport was confiscated by the Michigan State Police or some other law enforcement agency upon his arrest. Def's. Mot., ECF No. 71, PageID.355.

The government has not opposed Pena's motion. And based on the Court's consultation with the Probation Department, Pena's supervising officer does not object to Pena's possession of a passport. However, according to the Probation Department, it is not currently in possession of Pena's passport, and does not, as a matter of practice, retain seized

passports. Accordingly, Pena may be required to obtain a new passport from the Department of State.

As to the pending motion, although there is no passport in the government's possession to be returned, because his supervising probation officer does not oppose Pena's obtaining a new passport and the government has not responded to this motion, Pena's motion is **GRANTED** to the extent that he is authorized to apply for a new passport. Pena may therefore seek and, if otherwise eligible, obtain a passport consistent with the terms of his supervised release.

**IT IS SO ORDERED.**

Dated: June 29, 2023

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE